

1 SCOTT N. SCHOOLS, SC SBN 9990  
 2 United States Attorney  
 2 JOANN M. SWANSON, CSBN 88143  
 Assistant United States Attorney  
 3 Chief, Civil Division  
 ILA C. DEISS, NY SBN 3052909  
 4 Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102  
 6 Telephone: (415) 436-7124  
 FAX: (415) 436-7169

7 Attorneys for Respondents

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

12 QIN CHEN, ) ) No. C 07-2188 JSW  
 13 Petitioner, ) )  
 14 v. ) )  
 15 MICHAEL CHERTOFF, Secretary of the ) )  
 Department of Homeland Security; ) )  
 16 EMILIO T. GONZALEZ, Director of the ) )  
 U.S. Citizenship and Immigration Services; ) )  
 17 CHRISTINA POULOS, Acting Director of ) )  
 USCIS, California Service Center, and ) )  
 18 ROBERT S. MUELLER, Director ) )  
 of Federal Bureau of Investigations; ) )  
 19 Respondents. ) )  
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21 1. Jurisdiction and Service: All parties have been served. Plaintiff brought this complaint  
 22 under the mandamus statute and under the Administrative Procedure Act. Respondents will argue  
 23 that the Court lacks jurisdiction to compel Respondents to act in this case.

24 2. Facts: On May 3, 2005, Petitioner filed a Form I-485 application for adjustment of status to  
 25 Legal Permanent Resident with USCIS, based on her employment. On April 20, 2007, Petitioner  
 26 filed this Complaint for a Writ in the Nature of Mandamus, alleging that Defendants are  
 27 unlawfully withholding or unreasonably delaying action on her application, and asking the Court  
 28 to compel USCIS to adjudicate her application for adjustment of status. Petitioner's name check is

1 still pending with the Federal Bureau of Investigations. Plaintiff alleges that USCIS has failed to  
2 timely renew her Employment Authorization Documents over the past two years.

3 3. Legal Issues: The principal legal issue the parties dispute is whether the Court has  
4 jurisdiction to compel agency action in this case and if so, whether Respondents' delay, as a matter  
5 of law, is arbitrary and not in accordance with the law.

6 4. Motions: The parties intend to file cross-motions for summary judgment and will ask for a  
7 hearing date at the case management conference.

8 5. Amendment of Pleadings: None.

9 6. Evidence Preservation: None.

10 7. Disclosures: The parties agree that this Court's review will be confined to the  
11 administrative record and therefore this proceeding is exempt from the initial disclosure  
12 requirements under Fed. R. Civ. P. 26.

13 8. Discovery: There has been no discovery to date and the parties believe this matter can be  
14 resolved without discovery.

15 9. Class Actions: Not applicable.

16 10. Related Cases: None.

17 11. Relief: Petitioner asks that the Court direct USCIS to adjudicate her adjustment of status  
18 application and asks for an award of reasonable costs.

19 12. Settlement and ADR: Due to the nature of this litigation the parties will ask to be exempt  
20 from the formal ADR process.

21 13. Consent to Magistrate Judge for All Purposes: The parties consent to magistrate judge  
22 jurisdiction.

23 14. Other References: None.

24 15. Narrowing of Issues: None.

25 16. Expedited Schedule: The parties believe this matter can be solved through cross-motions  
26 for summary judgment.

27 17. Scheduling: The parties will ask for a hearing date on cross-motions for summary  
28 judgment at the initial case management conference.

1 18. Trial: The parties believe the matter can be resolved through motions.

2 19. Disclosure of Non-party Interested Entities or Persons: None.

3 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this  
4 matter: None.

5 Dated: July 16, 2007

Respectfully submitted,

6 SCOTT N. SCHOOLS  
United States Attorney

7  
8 /s/  
9 EDWARD OLSEN  
10 Assistant United States Attorney  
11 Attorneys for Defendants

12 Dated: July 16, 2007

13 /s/  
14 QIN CHEN  
15 *Pro Se*

#### CASE MANAGEMENT ORDER

16 The Joint Case Management Statement and Proposed Order are hereby adopted by the Court as  
17 the Case Management Order for the case, and the parties are ordered to comply with this Order.

18 Dated:

19 JEFFREY S. WHITE  
20 United States District Judge